

Nays—Dohoney, Douglas, Hertzberg, Pettit, Ruby, Saylor, Tensick--7.

So the Senate, at 12 o'clock M., adjourned to 10:30 o'clock A. M. to-morrow.

### THIRTY-FIRST DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Saturday Oct. 21, 1871. }

Senate met pursuant to adjournment. President Campbell presiding. Roll called. Quorum present.

Absent—Senators Fountain, Mills and Shannon.

Absent, excused—Senator Pickett.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

### REPORTS OF STANDING COMMITTEES.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,  
Austin, Oct. 20, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 504, to be entitled "An act to provide for appeals from interlocutory judgments in the district courts of the State," and find the same to be correctly engrossed.

G. T. RUBY, Chairman.

Report read and received.

Reports of Committee on Finance:

COMMITTEE ROOM,  
Austin, Oct. 20, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Finance to whom was referred Senate bill No. 461, entitled "An act making appropriations for deficiencies for the support of the State Government for fiscal year beginning September 1, 1871, and ending August 31, 1872," after care-

ful consideration, instruct me to report the same back and recommend its passage."

Respectfully,

W. A. SAYLOR, Chairman.

Report read and laid over under the rules.

COMMITTEE ROOM,  
Austin, Oct. 20, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Finance, to whom was referred Senate joint resolution No. 45, entitled "Joint resolution requiring the Comptroller to turn over all papers and vouchers in his office pertaining to claims of the State of Texas for moneys paid out for frontier defense before the rebellion, and to furnish a statement of all moneys so paid to the Governor," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

W. A. SAYLOR, Chairman.

Report read.

On motion of Senator Saylor, the rules were suspended to consider the report and resolution. Resolution read second time.

Senator Bowers offered the following amendment: Amend by striking out the words "turn over," and inserting the words, "furnish certified copies." Amendment adopted.

On motion of Senator Saylor the caption of the resolution was amended by striking out the words "turn over," and inserting the words "furnish certified copies."

Resolution ordered engrossed and passed to a third reading as amended.

On motion of Senator Saylor the rules were further suspended and Senate joint resolution No. 45 read third time and passed.

Reports of Committee on Finance on Senate bill No. 501:

COMMITTEE ROOM,  
Austin, Oct. 20, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Finance, to whom was referred Senate bill No. 501, entitled "An act making an appropriation for the relief of the Chicago sufferers," after careful consideration, a majority of your committee instruct me to report the same back and recommend its passage.

Respectfully,

W. A. SAYLOR, Chairman.

COMMITTEE ROOM, }  
Austin, Oct. 21, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: The undersigned, members of your Finance Committee, to whom was referred Senate bill No. 501, "An act to make an appropriation of ten thousand dollars for the relief of the Chicago sufferers," having differed with the majority of your committee, beg leave to submit the following minority report, to-wit :

They admit that the Chicago sufferers are proper objects of charity, but maintain that relief should proceed from individual generosity and philanthropy, and respectfully submit that the Legislature, in passing such an act, would be transcending the legitimate bounds of legislation.

The Legislature possesses no power that is not conferred upon it by the Constitution, and we look in vain for any constitutional provision which authorizes the Legislature to tax the people for the purpose of making gifts to individuals, no matter how deserving such individuals may be. Such legislation is not only unconstitutional, but in violation of natural right, and a dangerous precedent to establish. If the Legislature can make a gift of ten thousand dollars of the people's money to the Chicago sufferers, it can with equal propriety make a gift of ten millions of dollars to the widows and orphans of the late American civil war, and the people of the State would ultimately be bankrupted by the gifts which the Legislature might see proper to make.

The Supreme Court of Michigan, in the case of the Detroit and Howard Railroad Company vs. the Township Board of Salem, while considering the question of a legislative donation to a railroad company to be raised by taxation, uses this language: "It must be for a public and not for private purpose. Taxation is a mode of raising revenues for public purposes only, and it is said in some of the cases where it is prostituted to objects in no way connected with the public interest or welfare, it ceases to be taxation and becomes plunder." If this is the true rule as to donations made to citizens and corporations within the State, from which the State is generally largely benefitted in an indirect way, with how much greater force will it apply to absolute legislative gifts made to aliens and parties residing outside of the State, and by which the public interest of the State can in no way be advanced?

We would by no means withhold aid from the unfortunate people of Chicago, but we say, let it proceed from the generosity of individual action. And let the Legislature of Texas "be just before it

attempts to be generous." We respectfully recommend that the bill do not pass.

E. L. DOHONEY,  
SAM. EVANS.

Reports read and laid over under the rules.

Message from the House by the Chief Clerk Mr. Gallant informing the Senate that the House had passed without amendments, Senate bill No. 148 "An act regulating the removal of disabilities of minors."

Also, transmitting for signature the following enrolled House bills: House bill No. 746, "An act to incorporate the Texas Land and Immigration Company;" House bill No. 673 "An act to authorize the County Court of Upshur County to levy a special tax for the completion of the court house in said county."

Enrolled bills signed by the President in open session and returned to the House.

Under direction of the President the Secretary carried to the House, House bill No. 750, "An act to incorporate the town of Lockhart, in Caldwell county," with the information that the Senate had passed the same without amendment

Also, transmitting for signature of the Speaker, the following enrolled Senate bills: Senate bill No. 458, "An act to amend 'an act to incorporate the Sabine and Neches Bridge Company,' passed May 18, 1871;" Senate bill No. 369, "An act to facilitate the correcting of surveys and the issuance of patents to locations of land;" Senate bill No. 498, "An act amending 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870."

Also, for concurrence, Senate bill No. 504, to be entitled "An act to provide for appeals from interlocutory judgments in the district courts of the State."

### REPORTS OF SELECT COMMITTEES.

Report of select committee on Senate bill No. 443:

COMMITTEE ROOM,  
Austin, Oct. 21, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your select committee, to whom was referred Senate bill No. 443, "Explanatory of the tax laws of the State of Texas, and to avoid double taxation," have had the same under consideration and respectfully recommend its passage.

W. H. PARSONS,  
J. P. DOUGLAS,  
WEBB FLANAGAN

Report read.

On motion of Senator Cole, the rules were suspended to consider the report and bill.

Bill read second time, ordered engrossed and passed to a third reading.

On motion of Senator Cole, the rules were further suspended and Senate bill No. 443 read third time and passed.

### BILLS AND RESOLUTIONS.

By Senator Rawson: a bill (Senate bill No. 510) to be entitled "An act to organize and define the powers of the Criminal District Court in and for the counties of Marion and Harrison, and to prescribe the duties thereof." Read first time and referred to the Judiciary Committee.

By Senator Tendick: a bill (Senate bill No. 511) to be entitled "An act for the relief of Dillard Cooper." Read first time and referred to the Committee on State Affairs.

By Senator Gaines: a resolution, as follows:

WHEREAS, It is impossible for members of this body to get postage stamps to send off papers; therefore be it

*Resolved*, That the resolution offered on Saturday by the Senator from Galveston, requiring each Senator to take fifteen copies of the STATE JOURNAL, and such other papers as were ordered in said resolution, be and the same is recinded.

Senator Ruby moved a call of the Senate. Call sustained.

Absent unexcused—Senators Bell, Fountain, Mills, Parsons and Saylor.

The Sergeant-at-Arms being dispatched for the absentees, Senators Bell, Parsons and Saylor appeared and answered to their names.

Call suspended.

On motion of Senator Broughton, Senator Mills was excused for the day on account of sickness.

Senator Pettit offered the following amendment which was adopted: insert "as it is impossible to obtain stamps at the expense of the State government."

Senator Saylor offered the following amendment: "providing that such members as may desire papers may have them furnished at the expense of the State."

Senator Gaines moved to amend the amendment by striking out the words "at the expense of the State."

Senator Flanagan moved to adjourn to 10½ A. M., Monday.

Yeas and nays called for and motion to adjourn lost by the following vote:

Yeas—Mr. President, Baker, Bell, Flanagan, Ford, Hertzberg, Hillebrand, Parsons, Pridgen, Ruby, Saylor, Tendick—12.

Nays—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Gaines, Hall, Latimer, Pettit, Pyle, Rawson, Shannon—13.

Senator Flanagan moved to lay the resolution and amendment on the table.

Yeas and nays called for, and the motion to lay on the table lost by the following vote :

Yeas—Mr. President, Baker, Bell, Flanagan, Ford, Hertzberg, Hillebrand, Parsons, Pettit, Ruby, Saylor, Tendick—12.

Nays—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Gaines, Hall, Latimer, Pridgen, Pyle, Rawson, Shannon—13.

Senator Pettit moved to adjourn to 10½ A. M. Monday.

Yeas and nays called for and the motion to adjourn carried by the following vote :

Yeas—Mr. President, Baker, Bell, Flanagan, Ford, Hertzberg, Hillebrand, Parsons, Pettit, Pridgen, Ruby, Saylor, Tendick—13.

Nays—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Gaines, Hall, Latimer, Pyle, Rawson, Shannon—12.

So the Senate at 11:40 A. M. adjourned to 10:30 A. M. Monday.

## THIRTY-SECOND DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Monday, Oct. 23, 1871.

Senate met pursuant to adjournment President Campbell presiding. Roll called. Quorum present.

Absent—Senators Fountain, Mills, Pridgen, Rawson, Ruby and Tendick.

Absent, excused—Senator Pickett.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Message from the House by the Chief Clerk, Mr. Galant, informing the Senate that the House had agreed to Senate amendments for the following House bills: House bill No. 63, "An act to incorporate the Mutual Aid Society of Houston;" House bill No. 298. "An act to incorporate